Letter 149

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EVALUATION COUNCIL

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To: Allen Fiksdal
EFSEC Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
Olympia, WA 98504-3172

From: Paul DeBruyn
116 Aspen Drive
Everson, WA 98247

Re: Comments on Sumas Energy 2 Generation Facility Draft EIS

My name is Paul DeBruyn. I live at 116 Aspen Drive in Everson, WA. I am a biology instructor at Whatcom Community College. I have a degree in Environmental Studies. I am a practicing falconer and have studied birds of prey in the Northwest for the last 25 years. My area of expertise is birds. I have been studying wintering birds of prey in Whatcom County extensively for the last 10 years and nesting falcons in Washington and British Columbia since 1993.

My comments will address the wildlife section of the DEIS (**section 3.5**).

Starting on **page 3.5-1** – Sources of Information. I was interested in this section as my first reading of the DEIS showed it to be very weak in the area of wildlife. The first line reads: "Site specific biological resource surveys conducted by the applicant's consultants (Dames and Moore and Black and Veach)". I was momentarily confused as I thought Jones and Stokes were the consultants who prepared this document. Deeper into the DEIS (page 6.1) I found a name of an actual person cited as the wildlife biologist. I called Jones and Stokes and talked with biologist Steve Hall to get some more particulars about the methodology used to prepare the draft. Steve Hall informed me that although he had written the wildlife section of the DEIS he had never visited the site. He told me all the data came from the applicant's consultants, Dames and Moore, and Black and Veatch and was available in the application.

A light went off in regards my earlier confusion about consultants and I realized that what was going on here was what I will call data laundering. NESCO's consultants had given self-serving data to EFSEC's consultants who wrote the draft in a manner that appeared to be an objective third party study. 1

Going back to the application to find out the methodology, I discovered what I first thought to be a typo, but what turned out to be a falsehood. In the first line(**sec.3.5.1**) that reads "site specific surveys conducted *between* September 1998 and October 1999" (my italics) should read "site specific surveys were conducted in one day in September 1998 and one day in October 1999." Instead, it claims over one year of research, when in fact the entire section is based on opportunistic sampling (their term) on two days in subsequent years during a season in which most affected wildlife is normally absent from the area.

I first thought was that one year was an adequate period to conduct this study. In reality 2 days in the fall season is ludicrous. Keep in mind this was all the fieldwork for all the fish and wildlife, over all the corridors and the plant site.

I was now able to understand why this section was so weak and was beginning to think EFSEC hadn't gotten much for their money. Two days in the off season to survey all the fish and wildlife in all of the corridors and the plant site. My professional opinion is that it would take at least one year to adequately study this question. Distribution of fish and wildlife, especially birds, is highly seasonal and one would have to visit the study area, at least, during each season to adequately assess the status of the species present. September and October are the worst possible times as breeding birds have dispersed and wintering species have yet to arrive. Looking at the application again I found that during their "opportunistic field surveys" (their term), Dames and Moore biologist had only observed 8 species of birds. During a break from preparing this statement, I drove from the Nooksack River up one of the corridors, sat in my truck at the proposed site for 10 minutes and tallied up the bird species I observed. I saw 24 species of birds including seven of the eight species Dames and Moore had observed. I tripled their effort in about 45 minutes. The rest of their data on birds was either made up or from generic lists supplied by various agencies. If asked to grade their work, (even for only two days) I would have to give them a big "F". 1

On line 2 **Scientific Literature Cited**: I have 2 books on ,my desk that cover most aspects of bird distribution in Whatcom County. One was published in 1995 and the other in 1997. Neither was cited. Jones and Stokes cited 2 books on birds, one published in 1937 and the other in 1968. The book published in 1968 is considered a joke in professional circles and the other one was considered state of the art 63 years ago. 2

Scientific papers on birds cited also totaled 2 , one published by Edison Electric in 1994 and the other a master's thesis on Bald Eagles from 1976. In 1976, there was only one bald eagle nest in Whatcom County. Today I know of at least 10 occupied nests, at least 3 of which are near the corridors or plant site.

On line 3 on **page 3.5-1**. Interviews with local biologist – I could find no local biologists who were consulted. I called local biologist who are experts regarding the species in question. I called the Sate Department of Fish and Wildlife and the US Fish and Wildlife and I could locate 3

no biologists, even non-local- who were consulted. This part of the document seems to have been created out of thin air. 3

In section **3.5.2.1**. The overview fails to acknowledge any area north of the border in Canada. I realize that Canada is outside of EFSEC's jurisdiction, but fish and wildlife do not observe international borders and many of the species of concern regularly cross back and forth across the border. Therefore the draft should address any species whose home range is affected by the plant not just those in the United States. The character of habitat and land use is much different north of the border and these differences visa vie wildlife should be addressed in the draft. Although a certain habitat may be common in the Sumas area when considering the impact of the plant the entire Fraser valley ecosystem should be considered. Likewise species present only north of the border (such as fish in the Fraser river) should be considered. To say that "urban centers are Sumas, Lynden and Bellingham", gives a distorted picture of the habitat in the vicinity of the plant. The proposed plant site is actually quite close to a major metropolitan area and this has significance in regards habitat use by wildlife in the area. 4

In regards the last three paragraphs of section **3.5.2.1** on page **3.5-2,** These lists are incomplete and reflect only species the applicant wishes to address. The list of scientific names in the appendix does not contain some of the species mentioned and contains others that are not mentioned one of which does not even occur on the plant site or any of the corridors. 5

On page **3.5-4** in table **3.5-1** The list does not include many special status species which I have observed within the project area. The list also does not include many species which don't occur in the project area but would be impacted by it (such as fish in the Fraser river). Table **3.5-1** is not in taxonomic order as is the common practice and seems to have been lifted in it's entirety from another document. 6

On page **3.5-6** in table **3.5-2** the applicant lists species found likely to be absent from the project area. Given the demonstrated lack of field work and inadequate review of the scientific literature the premise of this table is absolutely invalid. I have records of three of the eight (38%) species listed from within the project area (the birds) and have not sampled for the other five(bats and frogs). This table also is not in taxonomic order. 7

In **Section 3.5.2.3**: While open farmland appears to be common in the area, the truth is that it is shrinking rapidly and some agricultural uses (such as berry farming, greenhouses, pulp production from hybrid tree species) are areas of little or no use to wildlife. 8

The geography of the area funnels wildlife through a gap of open habitat occupied by the city of Sumas and the proposed plant site. Thus the site is in an important migration corridor between the open habitat of thc Abbotsford- Chilliwack area (formerly Sumas Lake, now the Sumas Prairie) and the open areas north of the Nooksack River (formerly known as the Lynden Prairie). Many wildlife species regularly migrate up and down the Fraser valley through the proposed project area.

The 8.8 acre forested wetland west of the proposed plant actually supports a red-tailed hawk nest that has been occupied for at least 25 years. The recent construction of the IKO factory west of this forest has these hawks hemmed in and it is doubtful they could exist if the proposed plant was built. Contrary to the novel theory advanced in the draft that they could simply move elsewhere, all available territories are already occupied by other red-tails and this pair would have no where to go. 8

This forest also provides perches for many species of birds (including some species of concern) migrating through the above described corridor.

Section 3.5.2.4 The proposed natural gas pipeline also lies almost entirely within the aforementioned corridor. 9

Section 3.5.2.5 Contains the often repeated (in the draft) but faulty bit of logic that once a habitat is disturbed it is no longer any use to wildlife. It is impossible for them to prove the statement that; "no habitats or species of local concern are present within construction and/or operational areas" because it is patently untrue. 10

Section 3.5.2.6 contains the same bit of false logic in regards the transmission lines to Canada. Again I would have them address the impact of the lines north of the border on those species with international home ranges. 11

In Section 3.5.2.7. I would disagree that some of these excavated streams have limited value to salmonids. Certainly they may currently have little value, but because of ongoing enhancement activities I would argue that the have potential value to salmonids. 12

In Section 3.5.3.1 The draft again asserts that "since this habitat is abundant in the area, the overall impact would not significantly affect populations." This is simply not true. The area in question supports concentrations of several species the likes of which occur no where else in Washington State. Since the limiting effects of loss of wintering habitat to these species is not understood there is no way the applicant can accurately make that statement. 13

In **Section3.5..3.1** on **page 3.5.17** Since Eagles are present virtually all year in the natural gas pipeline route there is no way construction could be timed to avoid negative impacts. Again the assertion that Swans and Eagles could simply go elsewhere ignores the biological principle that there is a reason for their concentrations in the area and to force them elsewhere would be to negatively impact them. 14

On **page 3.5.18 I** would again object to the assertion that "no key habitats would be impacted and that values would soon return to pre-project levels following construction".
Nothing in the section on the effect on fish of waste water projects addresses the impact of warmer effluent being discharged into the Fraser river and the potential damage to androminous salmonids, some of which are important to Whatcom County fishers. 15

On **page 3.5.18** the statement that "no significant wildlife habitat would be affected by the footing of this transmission line" is suspect as the applicant has yet to demonstrate any understanding of what wildlife is present. 16

Again I must object to the theory espoused on **page 3.5.19** that "birds and wildlife displaced by tree removal would move into areas of similar habitat. Firstly, no meaningful surveys were done during the appropriate season to determine what species were present, and second this relocation theory flies in the face of accepted principles of wildlife biology such as carrying capacity and territoriality. 17

Under the heading of fish on **page3.5.19** The statement that "the small amount of canopy lost would not cause a significant rise in stream water temperature"... cites no scientific methodology on which to base this conclusion. This comes at a time when salmon enhancement groups are vigorously trying to re-establish stream buffers to benefit fish populations. My reading of accounts of salmon recovery plans is that no further damage to salmon streams should be done no matter how small the impact may seem. Throughout this section there is talk of cutting streamside vegetation without any damage to spawning salmon. How is this possible? 18

Also on **page3.5.19** is the concept that because transmission line would be located along roadways that they would have no impact on wildlife. There is no data to support this assumption made by a well-paid consultant writing from his office in Bellevue. 19

In all of **section 3.50**. The applicant did inadequate field work and research of the literature. Nowhere in the draft do the consultants address the effect of increased air pollution on wildlife on both sides of the border. Nowhere in the draft does the applicant address the effect steam clouds produced by the plant would have on the foraging and distribution of wildlife. This area is an important breeding, wintering and migration corridor for many species of concern. Without going into more detail, I'll say that I found the rest of the fish and wildlife section to contain errors in fact, and faulty assumptions that run counter to current thinking in wildlife biology. 20

If this project is to go forward, I would ask that EFSEC reject section 3.5 entirely and require a legitimate field study of the fish and wildlife on the plant site along with the projected powerline corridors and all areas including those in Canada that are affected by this project. I would ask for at least some field work in every month of the year 21

I found the projected plant and powerline plan to have significant adverse impact on fish and wildlife and ask that EFSEC members recommend the NO ACTION alternative.
This document is, without question, the worst example of consultants being in over their heads that I have ever seen. 22

I am offended that EFSEC paid these consultants with public money when they are nothing but shills for a private company that stands to make huge profits at the expense of the environment and the people and wildlife of Whatcom County and the Fraser Valley. 23

I am appalled by the collusion between the applicants, their consultants, and EFSEC and their consultants to make this draft appear to be an impartial scientific document when in reality it is a thinly disguised piece of public relation work with little or no basis in facts to support the applicants claims of no negative impact. 24